

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHERI DURBIN,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. C15-1756-RSM-JPD

REPORT AND RECOMMENDATION

This matter comes before the Court upon plaintiff's application to proceed *in forma pauperis* ("IFP") in the above-entitled action. Dkt. 1. Specifically, plaintiff's IFP application indicates that her spouse is currently employed with a net monthly income is \$4,650. *Id.* at 1. They also have additional income from their IRA, as well as disability, unemployment, workers compensation or public assistance. *Id.* Plaintiff and her spouse own a home with significant equity of \$90,000, and represent that they have \$3,000 in their checking account at this time. *Id.* at 2.

After careful consideration of plaintiff's IFP application, the governing law, and the balance of the record, the Court recommends DENYING plaintiff's application to proceed IFP

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1 (Dkt. 1) and directing her to pay the \$400 filing fee within thirty (30) days of the date of the
2 Order adopting this Report and Recommendation. Plaintiff is advised that failure to pay this
3 filing fee will result in dismissal of this action.

4 The Clerk of the Court is directed to send copies of this Report and Recommendation to
5 the plaintiff and to the Honorable Ricardo S. Martinez.

6 Objections to this Report and Recommendation, if any, should be filed with the Clerk
7 and served upon all parties to this suit by no later than **December 3, 2015**. Failure to file
8 objections within the specified time may affect your right to appeal. Objections should be
9 noted for consideration on the District Judge's motion calendar for the third Friday after they
10 are filed. Responses to objections may be filed within **fourteen (14)** days after service of
11 objections. If no timely objections are filed, the matter will be ready for consideration by the
12 District Judge on **December 4, 2015**.

13 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
14 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
15 assigned District Judge acts on this Report and Recommendation.

16 DATED this 19th day of November, 2015.

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18 JAMES P. DONOHUE
19 Chief United States Magistrate Judge
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